

RECEIVED

APR 22 2008

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No.: 74-2006

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

F. James Whittaker

Paula J. Whittaker

F. James Whittaker

Date

Paula J. Whittaker

Date

RESPONDENT:

United States on behalf of the
Bureau of Land Management

Larry A. Brown

OS

Date

Attorney, U.S. Department of Justice
Environment and Natural Resources

IDWR CONCURRENCE:

Nathaniel Arave 4-7-08

Nathaniel Arave

Date

Water Resource Agent

IDWR CONCURRENCE:

C. M. Bromley 4/7/08

Christopher M. Bromley

Date

Deputy Attorney General
Attorney for IDWR

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-2006

NAME AND ADDRESS: F JAMES WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

PAULA J WHITTAKER
83 BIG EIGHT MILE RD
PO BOX 240
LEADORE ID 83464

SOURCE: EIGHTEENMILE CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 3.100 CFS

PRIORITY DATE: 11/14/1904

POINT OF
DIVERSION: T14N R27E S27 SESE Within LEMHI County
T14N R27E S35 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	3.100 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R27E S21	NENE	20.00	T14N R27E S21	NWNE	7.00
T14N R27E S21	SENE	18.00	T14N R27E S21	NESE	21.00
T14N R27E S21	SESE	16.00	T14N R27E S22	NESW	12.00
T14N R27E S22	NWSW	33.00	T14N R27E S22	SWSW	22.00
T14N R27E S22	SESW	14.00	T14N R27E S27	SWNE	11.90
T14N R27E S27	NENW	11.00	T14N R27E S27	NWNW	22.00
T14N R27E S27	SWNW	22.00	T14N R27E S27	SENW	16.10
T14N R27E S27	NESE	8.20	T14N R27E S27	NWSE	7.80
T14N R27E S27	SWSE	11.00	T14N R27E S28	NENE	4.00
T14N R27E S34	NENE	20.00	T14N R27E S34	NWNE	14.00
T14N R27E S35	NWNE	31.00	T14N R27E S35	NENW	15.00
T14N R27E S35	NWNW	1.00			

378 86 ACRES TOTAL

This right is limited to the irrigation of 86 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF SERVICE

I certify that on Apr. 18, 2008, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☒ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

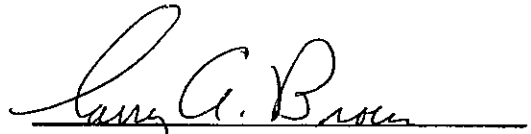
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

F. James Whittaker
Paula J. Whittaker
83 Big Eight Mile Rd.
P.O. Box 240
Leadore, ID 83464

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Department of Justice
Environment & Nat'l Resources Div.
550 W. Fort St., MSC 033
Boise, ID 83724

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person or attorney mailing the form